

105TH CONGRESS
1ST SESSION

H. R. 702

To amend section 372 of title 28, United States Code, to provide that proceedings on complaints filed with respect to conduct of a judge or magistrate judge of a court be held by a circuit other than the circuit within which the judge serves, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1997

Mr. BRYANT (for himself, Mr. BARR of Georgia, Mr. BONO, Mr. CANADY of Florida, Mr. GOODLATTE, Mr. HOSTETTLER, Mr. MCCOLLUM, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. DUNCAN) introduced the following bill; which was referred to the Committee on Judiciary

A BILL

To amend section 372 of title 28, United States Code, to provide that proceedings on complaints filed with respect to conduct of a judge or magistrate judge of a court be held by a circuit other than the circuit within which the judge serves, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Judicial Disciplinary
5 Proceedings Act of 1997”.

1 **SEC. 2. PROCEEDINGS ON COMPLAINTS AGAINST JUDICIAL**
2 **CONDUCT.**

3 Section 372(c) of title 28, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) by inserting “(A)” after “(c)(1)”; and

7 (B) by adding at the end the following: “In
8 the case of a complaint so identified, the chief
9 judge shall notify the clerk of the court of ap-
10 peals of the complaint, together with a brief
11 statement of the facts underlying the complaint.

12 “(B) Complaints filed under subparagraph (A) in one
13 judicial circuit will be referred to another judicial circuit
14 for proceedings under this subsection, in accordance with
15 a system established by rule by the Judicial Conference,
16 which prescribes the circuits to which the complaints will
17 be referred. The Judicial Conference shall establish and
18 submit to the Congress the system described in the preced-
19 ing sentence not later than 180 days after the date of the
20 enactment of this subparagraph.”;

21 (2) in paragraph (2)—

22 (A) by amending the first sentence to read
23 as follows: “Upon receipt of a complaint filed or
24 notice of a complaint identified under para-
25 graph (1) of this subsection, the clerk shall
26 promptly transmit such complaint or (in the

1 case of a complaint identified under paragraph
2 (1)) the statement of facts underlying the com-
3 plaint to the chief judge of the circuit assigned
4 to conduct proceedings on the complaint in ac-
5 cordance with the system established under
6 paragraph (1)(B) (hereafter in this subsection
7 referred to as the ‘chief judge’).”; and

8 (B) in the second sentence by inserting “or
9 statement of facts underlying the complaint (as
10 the case may be)” after “copy of the com-
11 plaint”;

12 (3) in paragraph (4)(A) by inserting “(to which
13 the complaint or statement of facts underlying the
14 complaint is referred)” after “the circuit”;

15 (4) in paragraph (5)—

16 (A) in the first sentence by inserting “to
17 which the complaint or statement of facts un-
18 derlying the complaint is referred” after “the
19 circuit”; and

20 (B) in the second sentence by striking “the
21 circuit” and inserting “that circuit”;

22 (5) in the first sentence of paragraph (15) by
23 inserting before the period at the end the following:
24 “in which the complaint was filed or identified under
25 paragraph (1)”; and

1 (6) by amending paragraph (18) to read as fol-
2 lows:

3 “(18) The Judicial Conference shall prescribe rules,
4 consistent with the preceding provisions of this sub-
5 section—

6 “(A) establishing procedures for the filing of
7 complaints with respect to the conduct of any judge
8 of the United States Court of Federal Claims, the
9 Court of International Trade, or the Court of Ap-
10 peals for the Federal Circuit, and for the investiga-
11 tion and resolution of such complaints; and

12 “(B) establishing a system for referring com-
13 plaints filed with respect to the conduct of a judge
14 of any such court to any of the first eleven judicial
15 circuits or to another court for investigation and res-
16 olution.

17 The Judicial Conference shall establish and submit to the
18 Congress the system described in subparagraph (B) not
19 later than 180 days after the date of the enactment of
20 the Judicial Disciplinary Proceedings Act of 1997.”.

21 **SEC. 3. EFFECTIVE DATE.**

22 The amendments made by this Act apply to com-
23 plaints filed on or after the 180th day after the date of
24 the enactment of this Act.

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